IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4668 of 2005

Between:

P. Jayaram Goud S/o. P. Malla Goud
R/o. Hotel Santosh, Nacharam Gutta, Wargal Mandal, Medak District.

..... PETITIONER

AND

1 The Andhra Pradesh Tourism Development Corporation Limited (Hyderabad Division) Rep. by its Divisional Manager, Tank Bund Road, Hyderabad.
2 The Andhra Pradesh Tourism Development Corporation Limited (Hyderabad Division) Rep. by its Managing Director, Tank Bund Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, particularly on in the nature of Writ of Mandamus, declaring the impugned Lr.No. TDC/M(AMC)/2004 dt. 7-9-2004 of canceling of licensing of Nacharam Guest House, Vargal Mandal , Medak DIstrict as illegal arbitrary and violation of principle of natural justice, consequentially direct the Respondent No. 1 to allot the Nacharam Guest House, Medak District, to the petitioner herein as the highest bidder by virtue of tender and execution of deed of license 14-6-2004 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.RAGHUNATH

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court at the admission stage made the following :

The Hon’ble Sri Justice

K.C. Bhanu

W.P. No. 4668 of 2005

O R D E R:

The writ petition is filed seeking to declare the impugned Lr.No.TDC/M(AMC)/04 dated 7.9.2002 cancelling the deed of licence as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner became the successful tenderer in respect of Nacharam guest house for a period of 10 years commencing from 14.6.2004. According to the respondents, the possession was not given. Thereafter the deed of licence was cancelled with immediate effect. Challenging the same the present writ petition is filed.

As seen from the impugned proceedings, no notice is given to the petitioner while canceling the deed of licence. Even according to the deed of licence, either of the party has to give three months' notice. Such notice is not given. Therefore, the respondent-Corporation violated the principles of natural justice.

Hence the impugned proceedings dated 7.9.2004 is set aside and the writ petition is allowed. However, this order will not preclude the respondents in taking appropriate action in accordance with the terms and conditions of the licence deed.

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K.C. Bhanu, J.

Date: 21--03—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Divisional Manager, Andhra Pradesh Tourism Development Corporation Limited (Hyderabad Division), Tank Bund Road, Hyderabad.
2 The Managing Director, Andhra Pradesh Tourism Development Corporation Limited (Hyderabad Division), Tank Bund Road, Hyderabad.

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